App F. IX-4

1925.

File No. 268-25

Previous References (Miscl)

Serial Nos. 1 4

Later References
Misc 66-28-1-2

General and Revenue Secretariat.

Serial Nos. 4

Part B for December 1926.

SUBJECT

Requests orders as to the disposal of the properties left by one Sabanayagam Swamy of Manchecahalli, Molakalmuru Taluq.

Papers Recorded for the present.

29/1/27

G. R S. 11] 1925

GENERAL AND REVENUE SECRETARIAT.

(Muz.)

NOTES.

File No. 268/1925.

FILE HEADING.

Disposal of the property left by one Parameswara Swamy (since deceased) of Manchenahalli, Nelakalmuru Taluk.

From

The Muzrai Comr.

C No. 1607 Dated 6.4.26 Received 7.4.1926

Diary No.	Enclos.	Spare Copies	Serial No.
1147	1 Pc	—	1

BRIEF ABSTRACT OF LETTER.

Requests Legal Secretary's opinion as to the further action to be taken in the matter of restoring the said properties to the newly elected Committee and the undertaking to be given by

NOTES AND ORDERS.

him for a proper management of the Math affairs.

The M. C's letter explains the facts of the case.

As the Math in question is reported

NOTES—First Sheet.

WD 01264—GPB—40,000 -17-12-25
[App. F. III—2

General and Revenue Secretariat | File No. 268 of 192 S.

Serial No.

to be a non-muzrai institution. The matter is one to be dealt with and disposed of in the Judicial Branch.

This does not seem to be any harm in dealing with this case here

Ed

3 Sahib. Jon orders. As the Hon'ble the L & L Secretary may be consulted in the matter.

9.4.26.

Ed
9-4-26

4 The L.L. Secy may be consulted in the matter.

Rev. Secy

1st minute

1/4

14/4

5) It seems to me that the proper claimant to apply as successor to the property of the deceased woman may be asked to establish her claims in a proper court (civil court) & further when the property may be treated as unclaimed & escheated to Govt

6) The L & L Secy may be consulted

16/4

L. L. Secy

17/4

7) The legal position is that the money belonging to the late Swamiji is with Govt & that it is to the interest of Govt to see that none but a rightful claimant gets it.

NOTE—Contn. Sheet

Serial No.

8) The production of a Succession certificate from a proper court might legally be insisted upon before delivering the properties, to wit, the amount realized by the sale of the properties.

[illegible] Rev Sect

19.4.

19/4

608 25/4/26

9) [illegible]

[illegible]

22/4

10) Dft. Submitted for approval

23.4.26 Rev. Sect

23/4/26

1st member

26/4

719 26.4

11) The [illegible]

[illegible]

25/4

2 To, Mrs Cousmer No 1398 dt 1.5.26.

Requests that the D.C may be instructed to take necessary action in the matter & call upon any claimant to produce a Succession certificate from a Competent Court before the properties are delivered to him & report the result to Govt for info.

26/4

NOTE—Contn. Sheet

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

8529/25-9

File No. 268 of 1925

Serial No.

3 From, The Huzzai Court in Mysore.
Letter no. 1607 dt 29.10.26.
Intimates that the amount of Rs 3669-5-3 held in judicial Deposit has since been withdrawn and kept in the Post Savings Bank and promises to submit further report re the arrangements made for the custody of the properties.

12) The further report promised may be awaited:

13) Submitd. for orders.

AM 30.10.26 BG 7/11/26

14) Yes

Put up 24

4 From, The Huz. Court.
Letter no. C. 1607 dt 20/12/26.
Reports in continuation of the above, That the properties (movable and immovable) of the late Parameswara Swamy have been taken possession of, that the Lands have been leased out, and the present Swamy has been asked to obtain a Succession certificate from a competent Court.

15) May the whole correspondence be recorded?

16) Submit. for orders.

AM 7.1.27. BG 13/1/27

17) Subt for perusal. The correspondence may be recorded for the present

JE 14/1

Rec'd 6.

NOTE—Contn. Sheet

WD 01264—GPB—40,000—

and Revenue
Secretariat

File No. 8/2

of 192 . 5

Serial No.

17 JAN. 1927
No. 4734

2555

18) For kind perusal.

2nd member) 11.1.27

19) Mrs (21.27)

13/1/27

NOTE—Contn. Sheet

C.1667/22-23 encl one file

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 1st April 1926.

6

From

B. Ramaswamaiya, Esq., B.A., P.L.,

Muzrai Commissioner in Mysore,

Bangalore.

GEN. & REV. SECTT. 7-APR 1926

GENL. & REV. SECTT. Br. 6. APR. 1926 G. D. SECTION.

D477

Mur 268-25-1

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

I have the honor to submit herewith in original for reference and kind return correspondence ending with letter O.C.No.1418/22-23 (23) dated 26th January 1926 from the Deputy Commissioner, Chitaldrug -- District regarding the property left by one Parameswaraswami of --- Manchenahalli in the Molakalmuru Taluk and to state as follows:-

2. On 12th May 1923, the Deputy Commissioner reported that one Parameswaraswami, a resident of the Manchenahalli village died on 29-3-23 leaving no heirs. The Amildar attached the moveable and immoveable properties left by the deceased and credited the cash amounting Rs.2949-6-0 under Judicial deposits in the Treasury. The Deputy Commissioner solicited orders as to whether the properties can be dealt with as unclaimed. While observing that the amildar did not make any independent enquiries in the matter beyond the -- report sent up by the Police and that the allegations made by the villagers of Manchenahalli and Devasamudra that the matha was in - existence for a considerable time and that the Swami now dead was the seventh in succession and that they were contemplating to --- appoint a new guru had not been enquired into the Deputy Commissioner was requested to submit a detailed report and to intimate to what community of persons the heads of this matha were Gurus and what the strength of that community was. The Government -- Advocate was also requested to furnish his opinion as to how the property should be dealt with and under what provision of Law.

7. The Government Advocate stated thatif, as alleged, the m was in existence for a long time and the deceased was its head -- being the 7th in succession the question will have to be dealt with with under Sec.25 of the Muzrai Regulation and if, on the other hand, he was only an ordinary sanyasi unattached to a matha or any similar Institution the properties will have to be treated as the properties of an intestate and in default of heirs near or remote, the property will escheat to Government - with a view to determine the exact position, he suggested an enquiry to be held in the matter, Thereupon the Deputy Commissioner reported that there was no ----- documentary evidence to prove that the matha was in existence for a considerable time past, except statements handed from father to son by word of mouth, that there was nothing on record to show that he was 7th in succession and that no attempt was being made to appoint a successor to the deceased, as only those who had renounced the -- world and had Lingadharana of their own accord in the Mudegola -- Matha in the Raibagi Taluk could become Gurus and as no such person was then available. In the circumstances of the case, the Government Advocate opined that in the absence of any successor to the -- Swami in question, the property escheated to Government but suggested the publication of a notice in the Mysore Gazette to the effect that as there are no claimants for the properties in question, the same -- escheats to Government and would therefore be taken over by Government. The Deputy Commissioner was requested to take action in-conformity with the above.

The action taken by the Deputy Commissioner to sell by public auction all animals and perishable articles which were in the ------ custody of the village officers was also approved.

4. The Deputy Commissioner reports that action as indicated above was taken and that in reply to the notice published in the Gazettee a petition signed by about 50 persons alleging to be the disciples of the matha was received to the effect that a Guru had been chosen in place of the deceased and praying that all the properties under attachment may be restored to the new Guru to enable him to conduct the services and manage the matha affairs. He further reports that from enquiries personally made by him during Jamabandi at different

camps

8

camps, it is ascertained that the present claimant is the rightful successor of the deceased Swami and that he underwent Lingadharana and other initiatory ceremonies at the Chief Matha at Udayagala in the Bellary District and recommends that the new guru may be ---- recognized as the lawful successor and the properties restored to his possession.

5. The matha in question is not a Muzrai Institution as it does not enjoy Government grants either in land or money and the Guru thereof does not enjoy any honours granted by the Sovereign. The rules of succession prescribed in Government Order No. 383-42/M.E. 102-92 dated 14th December 1892 do not therefore apply in this - case. The Guru that has now succeeded will be acquiring new -- rights if his succession is formally recognized by Government. The Matha does not seem to be of sufficient importance for --- this privilege being extended to it now. But at the same time it seems to me to be necessary to have sufficient guarantee that the new guru will manage the affairs satisfactorily before he is put in actual possession of the accumulated cash, viz., Rs.3671-13-3 and other properties.

C31

It is also doubtful if any of the provisions of Sec. 25 of the Muzrai Reg. could be made applicable in the present case for reasons explained above and also on account of the fact that the existence of the matha for a long time and the allegation that the deceased Guru was the seventh in succession cannot be conclusively proved (vide Government Advocate's letter dated 14-7-1923) In these circumstances I request that you will be so good as to consult the Secretary to Government in the Legislative Department and --- favour me with orders of Government as to the further action to be taken in the matter of restoring the properties to the newly elected Guru and the undertaking to be given by him for a proper management of the Matha affairs.

6. I request also to be informed whether the cash now in deposit may be invested in interest bearing securities or under the Charitable endowment scheme in view of the desire expressed by the disciples ---

and

and the Guru held entitled only to the annual interest accruing thereon.

I have the honor to be,

Sir,

Your most obedient servant,

for Muzrai Commissioner.

(absent on casual leave)

10

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

MUZRAI SECRETARIAT,

No. 1398 Rus 24 Fasli Dated Bangalore, the 29th May 192..

Mur 268-25-2

From

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His Highness the Maharaja of Mysore

Revenue ~~Muzrai~~ Department.

To

C.S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore, Bangalore

Sir,

Adverting to your letter No.C.1607 dated the 6th April 1926 requesting in the matter of the disposal of the property left by one Parameswaraswamy (since deceased) of Manchenahalli in the Molakalmuru Taluk, I am directed to state that the properties having been taken over by ~~the~~ Government in the absence of any legal heirs to the deceased Parameswaraswamy, Government consider that before they can be delivered to any claimant thereto he should be called on to produce a succession certificate from a competent Court entitling him to succeed to the properties. I am to request that the Deputy Commissioner may be instructed to take necessary action accordingly and report the result for the information of Government

2. Arrangements may be made for the proper custody and management of the properties moveable and immoveable and for the investment of the cash in Judicial Deposit in Savings Bank pending final orders about their disposal.

3. The records are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

Fair
DRA

Secretary to Government,
Revenue Department.

APP. F. VI. Gl.]

SUBJECT.....

Section Jmn

File No. 268-25

Seria No. 2

Diary No. of letter replied to.....

No. 1398 Cms 2 dafile

To .....The Jmez Comr.....

General and Revenue Secretariat

( )

the *192*

Sir,

Date of issue 1/5/26

Adverting to your

Signed by.....

no. G1 1607 dt 6th April 1926

requesting ~~for~~ Legal sanctions

~~Opinion as to the further~~

~~action to be taken re~~

the Disposal of the property

left by one Paramesvara

Swamy (three deceased)

of Manchenahalli in the

Nelakotmara Taluk,

I am directed to state

List of enclosures.....

~~as follows:~~ ~~The~~ that the properties having been

Copied by.....

~~that the legal position~~

taken over by Govt in the absence of any

Examined by.....

is ~~that the~~ ~~deceased~~

legal heirs of the deceased, ~~Govt~~

Paramesvara Swamy over Govt

WD 056—GPL—31,000—17-8-25

consider them before they can be
delivered & any claimants thereto should file caveats or
~~belonging to the late~~ produce a "Succession" certificate
from a competent Court entitling
him to succeed to the
property [illegible]
I am a request
that Dr. Cain may
be instructed
& the necessary

~~It is therefore necessary that~~
arrangements
& deposit in
respect for the
[illegible] for

Arrangements may be
made for the proper custody &
management of the property
movable & immovable and for the
investment of the cash in
such deposit in S.B. account
— pending [illegible]
about their [illegible] amount-
ing interest bearing securities
or in any other manner
be taken up after [illegible]

~~Brandy is with~~ Smt Lucy
~~that~~ it is to the interest
of Smt to see that none
but a rightful claimant
gets it, ~~I am accordingly~~
~~to request that~~ the production
of a Succession Certificate
from a proper Court
~~might legally~~ be insisted
upon before delivering
the properties, ~~or~~ the
the amount realized by
their ~~sale of the properties~~
(2) the records are
herewith returned

I have the
h
25/4
Returning.
BL
23/4/76

h
24/4
1

No. Office of the Muzrai Commissioner In Mysore, 13

Dated Bangalore the 28th October 1926.

29

REV. SECRETARIAT 30 OCT MUZRAI D.55-9

From 19979

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner In Mysore, BANGALORE.

mucr 268-25-3

H-V-30 16

REVT SECTT. Mzra 9. OCT. 1926 D. SECTION

To Sreenivasa Iyengar. Esq., B.A., B.L.,

Secretary to the Government of His Highness

The Maharaja of Mysore, Financial Department.

Sir,

With reference to your letter No. 1398 /M.F. 268-25-2 dated 1-5-26 and subsequent communications in the matter of the property left by one Parameswara Swami of Manchenahalli, I have the honor to forward herewith for kind information of Government, copy of letter No. A.5.C.740/26-27 dated 25-10-26 from the Deputy Commissioner, Chitaldrug District, ------ intimating that the amount held in judicial deposit has since been withdrawn and kept in the Government Savings Bank an that a further report about the arrangements made for the proper custody and management of the movable and immovable properties and the production of the ------ heirship certificate will be furnished on receipt of Amildar's reply.

I have the honor to be,

Sir,

your most obedient servant,

C S Balasundaram Iyer

Muzrai Commissioner.

B. R.

SY

No. A.5.C.740/26-27 dated 25th October 1926

The Deputy Commissioner Chitaldrug District to the Muzrai Commissioner In Mysore, Bangalore.

With reference to your No. C. 1607/22-23 dated 13th May 1926 forwarding copy of letter No, 1398/muz. 268-25-2 dated 1st May 1926 from the Revenue Secretary to you in the matter of the disposal of the properties left by one late Rarameswaraswami of Machenalli in the Molakalmuru Taluk, I have the honor to forward herewith in original the Molakalmuru Taluk Amildar's report received from the Sub-Division Officer. Chitaldrug with his No.R.1C. 193/26-27 dated 15th october 1926.

The amount of Rs. 3669-5-3 held in judicial deposit has since been withdrawn and kept in the Government Savings Bank (Rs. 3634-5-3 on 14th June 1926 and Rs.35 on 12th July 1926). The Amildar reports that necessary

necessary orders have been issued to the She
an inventory of the properties (both movable and
left by the late Swami before they are taken charge of.
On receipt of the report from ~~him~~ him in the matter, the
further information called for by Government will be --
furnished.

C O P Y "

B. R.

Muzrai Commissioner.

No.

Dated Bangalore, 18th December 1926.

From

C. S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

To

B. Srinivasa Iyengar, Esq., B.A.,B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Financial Department.

Sir,

In continuation of this office letter C.No.1607/22-23 dated 29th October 1926.I have the honor to forward herewith copy of a further communication No.A-5-c/740-26-27 dated -- 15th December 1926 from the Deputy Commissioner, Chitaldrug District, stating that the moveable and immovable properties of the late Parameswaraswami have been taken possession of, the valuable ones being kept in the Treasury, that the lands have been leased and that the present Swami has been asked to produce a succession certificate from a competent court establishing his title to the properties in question.

I have the honor to be,
Sir,
Your most obedient servant,

C.S. Balasundaram Iyer
Muzrai Commissioner.

"In continuation of this office letter No.A-5/C.740/26-27 -- dated 23rd October 1926 in the matter of the disposal of the properties left by one late Parameswaraswami of Machenahalli in the Molakalmuru Taluk, I have the honor to state that the Amildar, Molakalmuru Taluk, has since reported that the moveable and immovable properties of the Matt have been taken possession of, that of the moveables, valuables like gold and silver articles have been kept in the Treasury and the vessels in the Taluk Office, that the ---- immovables i.e., lands belonging to the Matt have been leased out and that the present Swami has, as directed by Government been asked to produce a succession certificate from a competent court to entitle him to claim back the properties."

"C o p y"

for Muzrai Commissioner.